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June 21, 2000

Sarah L. Caspar, OSC
U. S. Environmental Protection Agency
Removal Enforcement and Oil Section (3HS32)
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Re: EPA docket # III-99-038-DC
"Allied-Pulaski Site," Pulaski, Virginia

Dear Ms. Caspar:

I am responding on behalf of the *current* Downtown East, Inc. and DELP, L.L.C. to your recent, undated letter addressed to H. W. Huff, Jr., with which letter you submitted an administrative consent order for acceptance by these entities. For the reasons stated below, the *current* Downtown East, Inc. and DELP, L.L.C. do not and will not accept EPA's tendered consent order.

First, EPA's "findings of fact" (primarily ¶3.2 thereof) confuse a former and long since dissolved corporate entity known as "Downtown East, Inc." (herein, *former* Downtown East, Inc.) with the currently existing corporate entity known as Downtown East, Inc. You may verify with the Virginia State Corporation Commission that the *former* Downtown East, Inc. was incorporated in 1968 and then terminated and dissolved about 1974. The *current* Downtown East, Inc., which was incorporated in December, 1992, as confirmed by the enclosed photocopy of its certificate of incorporation as issued by the Virginia State Corporation Commission (with which you may confirm this statement), has never held title to any portion of the "Allied-Pulaski Site" as identified in EPA's tendered consent order.

Secondly, the *current* Downtown East, Inc., Downtown East Limited Partnership, and DELP, L.L.C. definitely have not, and the *former* Downtown East, Inc. probably did not, ever "packag[e] ammunition" or anything of the like on the Site, as alleged in ¶3.2, and the *current* Downtown East, Inc. and DELP, L.L.C. have not "stor[ed] oil in the acid storage tanks" or the like. Some branch of the military might have packaged ammunition on the Site while it was owned by Allied-Signal. Perhaps EPA should join the Department of Defense as a respondent to its action.

Thirdly, contrary to EPA's allegation in ¶3.6, the *current* Downtown East, Inc. had nothing to do with development of Pulaski Mall Shopping Center, or any other shopping center on the Site. This shopping center was developed in the early 1970's.

Fourthly, ¶3.16 of the consent order is merely a compilation of speculations and exaggerations, not 'facts.'

Finally, EPA's "conclusions of law" are erroneous as to *current* Downtown East, Inc. and DELP, L.L.C. Allied-Signal alone produced any and all "hazardous substances" which may have been, or may still be, on the Site. Neither *current* Downtown East, Inc. nor DELP, L.L.C. has manufactured, processed, or "disposed of" any "hazardous substances" on or from the Site.

For the foregoing reasons, *current* Downtown East, Inc. and DELP, L.L.C. do not accept or concur with EPA's determination that either or both of them are liable under 42 U.S.C. §9607(a) and will not accept EPA's consent order.

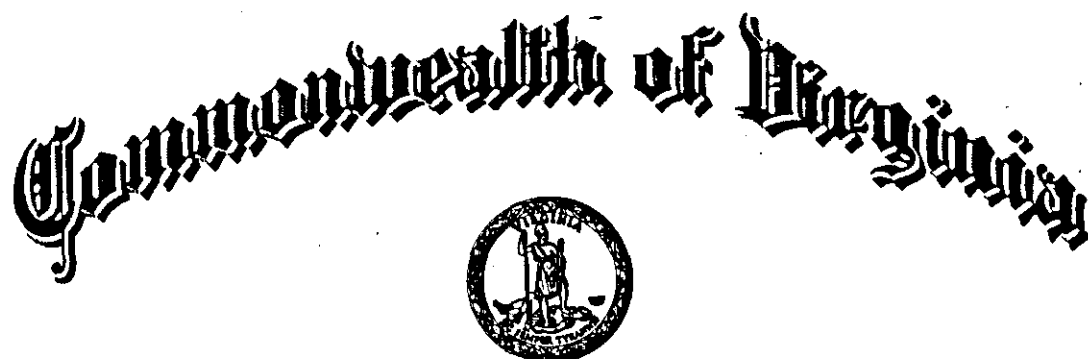
Sincerely,



Samuel D. Campbell

enc.

cc: Wayne R. Walters, Senior Assistant Regional Counsel, U. S. EPA
H. W. Huff, Jr.



STATE CORPORATION COMMISSION

Richmond, December 18, 1992

This is to Certify that the certificate of incorporation of
DOWNTOWN EAST, INC.

*was this day issued and admitted to record in this office
and that the said corporation is authorized to transact its
business subject to all Virginia laws applicable to the
corporation and its business. Effective date:* December 18, 1992



State Corporation Commission

William J. Bridge

Clerk of the Commission

AR000210